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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,025	03/10/2004	Wataru Tazoe	503.43626X00	2138
20457 7590 10/20/2008 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873				
EXAMINER				
HAND, MELANIE JO				
ART UNIT		PAPER NUMBER		
3761				
MAIL DATE		DELIVERY MODE		
10/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10796025	3/10/2004	TAZOE ET AL.	503.43626X00

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ART UNIT	PAPER
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3761

20081015

DATE MAILED:

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Commissioner for Patents

1. The reply filed on July 15, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant cancelled all pending claims 18-24, which have already received an action on the merits and which are drawn to the embodiment of Fig. 1, as they did not recite a laminated absorbent material or a perforated drainage tube or other features of other embodiments of the applicant's invention.
2. Newly submitted claims 25-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 26 recites a laminated absorbent material, which is a feature of the embodiment of Figs. 7-10 and claims 25-27 are thus drawn to a single embodiment. As neither this laminated absorbent material feature nor any other feature of any embodiment other than the embodiment of Fig. 1 was ever recited in claims 18-24, claims 18-24, which received at least one action on the merits before being cancelled, were drawn to the embodiment of Fig. 1, not Fig. 7.
3. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-27 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
4. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

/Tatyana Zalukaeva/
Supervisory Patent Examiner, Art Unit 3761

/Melanie J Hand/
Examiner, Art Unit 3761